

**Borough of Freehold
Planning Board
Agenda No. 21-04
February 24, 2021**

The Freehold Borough Planning Board will hold a Video Conferencing Online Meeting on Wednesday, February 24, 2021 at 7:00 PM in accordance with the New Jersey State Emergency Declaration.

1. Call to order and statement of compliance. Adequate notice of this meeting has been provided by posting a copy of public meeting dates on the municipal bulletin board and by sending a copy to the Asbury Park Press and the News Transcript and filing a copy with the Municipal Clerk.
2. Roll call of members and consultants.

**Mr. Kevin A. Kane, Mayor
Mr. William Barricelli, Class IV Member
Mr. Paul Ceppi, Class IV Member
Mr. Michael McCabe, Class IV Member
Mr. Michael Wildermuth, IV Member
Ms. Shealyn M.S. Crombie, IV Member
Ms. Caridad Argote-Freyre, IV Member
Mr. Garry Jackson, Class II Member
Mrs. Margaret Rogers, Class III Member
Ms. Brianne Kozlowski, Alternate Member I
Mr. Ronald D. Cucchiaro, Esq., Board Attorney
Mr. William Wentzien, PE, Board Engineer**

3. Approval of Minutes from the Reorganization Meeting of January 27, 2021. (See Attachment I)
4. Application Number: PB-ZI-2021-004
Applicant 36 West Main Street Freehold LLC
Location: 36 West Main Street - Block 71, Lot 3.03
Zone: B-2
Request: Interpretation for Special Question
(See Attachment II)
5. Review Ordinance of the Borough of Freehold, County of Monmouth, State of New Jersey Amending and Supplementing Chapter 8 (Health and Safety) by Amending Chapter 8.57 Stormwater Best Management Practices. (See Attached III, referred by the Borough of Freehold Governing Body)

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6. Adjourn.

*All backup material in regards to the agenda can be viewed in the Land Use office and on our website http://www.freeholdboroughnj.gov/PB/PB_agendas.html

Dominica R. Napolitano

Dominica R. Napolitano
February 19, 2021

ATTACHMENT I

FREEHOLD BOROUGH PLANNING BOARD
MINUTES OF JANUARY 27, 2021

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, January 27, 2021 at 7:00 p.m. via remote session.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

Chairman Barricelli opened the meeting which was a continuation from the reorganization meeting - no Salute to the Flag.

ROLL CALL

PRESENT	Mr. William Barricelli
PRESENT	Mr. Paul Ceppi
PRESENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Ms. Caridad Argote-Freyre
PRESENT	Mr. Garry Jackson
PRESENT	Councilwoman Margaret Rogers
PRESENT	Brianne Kozlowski

Mr. Barricelli read Item No. 3 on the Agenda as follows:

Approval of Minutes from Planning Board Reorganization Meeting January 13, 2021.

Mr. Wildermuth made a motion to approve the minutes, Mr. McCabe seconded.

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	1	Councilwoman Rogers
Absent	0	

Mr. Barricelli read Item No. 4 on the Agenda as follows:

Approval of Minutes from Planning Board Meeting January 13, 2021.

Mr. Ceppi made a motion to approve the minutes, Ms. Argote-Freyre seconded.

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	1	Councilwoman Rogers
Absent	0	

Mr. Barricelli read Item No. 5 on the Agenda as follows:

Memorialize Resolution

Application Broadway Family Health Care – 13 Broadway Realty LLC

Application PB-UV-2020-005.

Mr. Cucchiaro – Mr. Chairman, the applicant requested two (2) changes and I would like to review with the Board; to confirm this is the Boards recollection;

1. there will not be someone living on site, there will be 24/7 supervision but no one living on site;
2. at night time, there will be an Administrator and not 2 staff members;

If that is the Boards recollection, I can make the change and we can memorialize subject to the changes;

Mr. Barricelli – I recall that;

Mr. McCabe – I recall also;

Mr. Cucchiaro – take motion and I will make the changes;

Mr. Barricelli – can I get a motion to memorialize the resolution with the changes just discussed by Mr. Cucchiaro;

Mr. Wildermuth – I have questions;

#12 in specific conditions – there is only language about landscaping in the front, but I recall my notes show there was discussion about landscaping in the back as well as being put in between the two lots;

Mr. Cucchiaro – I can take out the front and say applicant shall submit a landscape plan for the entire property subject to review and approval by the Board Engineer;

Mr. Wildermuth – my other question was rectified early by Ron – what was said about employees;

Mr. McCabe made a motion to memorialize the resolution, Mr. Wildermuth seconded.

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
No	0	
Abstain	1	Councilwoman Rogers
Absent	0	

Mr. Barricelli – this is the portion of the meeting dedicated to the public for any questions or comments;

Mr. Barricelli – any Board members have any comments or questions;

Mr. Jackson – I have business to take care of in February with the Fire Department, both training dates fall on the PB meeting dates, is there a date that is better for me to miss;

Ms. Napolitano – we have applications but the applicants will be required to notice, so February 10, would be better;

Mr. Wildermuth – I will not be able to attend on February 10, I have negotiations for another Board that night;

Mr. Barricelli – anyone else from the Board? Ron?

Mr. Cucchiaro – members of the Board and Public, today is Holocaust Remembrance day, our thoughts are with the sentiment of the day and something we will never forget;

Mr. Barricelli – thank you, Ron;

Mr. Barricelli – Councilwoman Rogers;

Councilwoman Rogers – the Borough is in conversations with the County on taking over ownership of the Court Street School, on Court Street, at the corner of Avenue A; nothing is finalized but we have permission from Council to move forward; new business downtown, she does lashes, if you need lashes you should try her out – House of Glam; reminder that our downtown businesses are open, so if you need anything please check them out;

We are still in a pandemic, wash your hands, wear your mask and social distance;

Mr. Barricelli – that would be great if the Borough takes over the Court Street School;

Mr. Barricelli – Dominica anything new;

Ms. Napolitano – there a few applications coming, so look at end of February;

Mr. Barricelli – thank you; anyone else; hearing nothing; anyone to adjourn;

Mr. Jackson made a motion to adjourn, Mr. Ceppi seconded;

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Crombie, Argot-Freyre, Jackson and Kozlowski
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No	0	
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Abstain	1	Councilwoman Rogers
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Absent	0	
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Meeting adjourned at 7:10 PM.

Respectfully submitted,

Dominica R. Napolitano

ATTACHMENT II

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

SALVATORE ALFIERI, Partner
salfieri@cgajlaw.com

Reply to: Matawan Office

February 5, 2021

Via FedEx

Borough of Freehold: Land Use Department
Attn: Dominica Napolitano
51 West Main Street
Freehold, NJ 07728

Re: Application: Interpretation of Special Question for 36 W. Main Street
Applicant: 36 West Main Street Freehold, LLC
Property: 36 West Main Street
Block 71, Lot 3.03

Dear Ms. Napolitano:

By way of introduction, this office represents 36 West Main Street Freehold, LLC, Applicant and Owner of the above-captioned property. The subject property received preliminary and final site plan approval with parking waiver from the Freehold Borough Planning Board on August 28, 1985, provided in Resolution No. 15-85. The approval permitted the then-applicant to construct a three-story brick office building on the subject property. Based on the ordinance at the time, the property would require 65 parking spaces, however, due the size of the property the applicant could not provide the necessary parking spaces on the subject property. In lieu of constructing the parking spaces, the applicant agreed to provide certain improvements for the construction of the Borough Triangle Parking Area.

The then-applicant also purchased the nearby property, 10 Throckmorton Street, and used the property for additional 45 parking spaces.

Within the enclosed application, the Applicant seeks to determine whether the same parking waiver continues to apply to the subject property. Over the course of time, the tenant uses in the office building has and will change, which also includes the parking requirements per Borough Ordinances. In order to accommodate the changes in use within the subject property, the Applicant seeks an interpretation from the Board to determine whether the original parking waivers provided in Resolution No. 15-85 continue to provide relief to the subject property for the change in uses and parking requirements. In addition, the Applicant seeks a credit for parking spaces at the 10 Throckmorton Street property. This would result in a total parking space credit of 112 spaces.

As part of our application, we have enclosed herewith the following:

1. 18 copies of the land use application, including one (1) original

Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753
Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601
Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 201 644-7601

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

2. 18 copies of the Resolution No. 15-85;
3. A check made payable to Freehold in the amount of \$300.00 for the Application Fee
4. A check made payable to Freehold in the amount of \$1,500.00 for the Escrow Fee

Please place this matter on the next available agenda. Please mark your records to reflect representation and forward to this office any and all correspondence, professional reports, reviews, etc. as it relates to my client's application. Should you have any questions or concerns, please let me know.

Very truly yours,

Salvatore Alfieri
Salvatore Alfieri

**BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, NEW JERSEY 07728**

LAND USE DEPARTMENT APPLICATION CHECKLIST

Applicant's Name: 36 Main Street Freehold, LLC

Trade Name: _____

Applicant's Address: 107 Monmouth Road, Suite 102, West Long Branch, NJ 07764

Block: 71 **Lot(s):** 3.03 **Zone:** B-2

Name of Project: Request for Interpretation on 36 Main Street Parking Resolution

The following must be submitted in order for your application to be deemed complete.

ITEMS TO BE SUBMITTED	PLANS		WAIVER		PLANS		WAIVER	
	COMPLY	N/A	REQUESTED		COMPLY	N/A	REQUESTED	
1. Application for Zoning Certificate or Building Permit Denial from Zoning Officer			x					
2. Application for Planning Board	x							
3. Site Plan Application	x							
4. Site Plan (only folded plans will be accepted). *			x					
5. Site Plan Detail Checklist - Completed	x							
6. Fee Schedule with W-9 (Escrow & application fees must be in separate checks).	x							
7. Tax Certification	x							
8. Photograph of Existing Conditions	x							
9. Affidavit of Service			x					
10. Exhibit List	x							
11. List of Professionals To Testify	x							
12. Signed Checklist	x							

Eighteen (18) complete packages of the above information must be delivered to the Land Use Office to be considered complete. Please provide six (6) copies 24 x 36", and twelve (12) copies 11 x 17".

2/4/21
Date


Applicant or Agent

To Be Completed by Borough:

Date: _____

Checked By: _____

**BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, NEW JERSEY 07728**

**LAND USE DEPARTMENT
PLANNING BOARD APPLICATION FORM**

Please note: This application, with supporting documentation, must be filed with the Administrative Officer of the Land Use Department for review at least forty-five (45) days prior to the meeting at which the application is to be considered.

To Be Completed By Borough Staff Only.

Date Filed: _____ Application No. _____
Planning Board: _____ Application Fee: _____
Scheduled for Completeness: _____
Scheduled for Hearing: _____

1. SUBJECT PROPERTY (ATTACH PHOTO) :

Location: 36 West Main Street
Tax Map: Page _____ Block 71 Lot(s) 3.03
Page _____ Block _____ Lot(s) _____
Dimensions: Frontage 66 Depth 121 Total Area 7,986 s.f.

2. APPLICANT:

Name: 36 West Main Street Freehold, LLC
Corporate Name(s) : _____
Address: 107 Monmouth Road; suite 102, West Long Branch, NJ 07764
Telephone 775-742-9174

Applicant is a Corporation xxx Partnership _____ Individual _____

Note: If the applicant is a corporation or limited liability company, the applicant must be represented by an attorney.

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.40A:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding 10% ownership criterion have been disclosed.

NAME	ADDRESS	INTEREST
Boris Volshkoyev	107 Monmouth Rd West Long Branch NJ 07764	56 102 100%

4. If the Owner(s) is other than the applicant, provide the following information on the Owner(s):

Owner's Name: n/a

Address: n/a

Telephone No.: n/a

If the owner of any portion of the subject premises is other than the applicant, you must have the owner consent to the application by signing Paragraph 27 below.

5. PROPERTY INFORMATION:

Restrictions, covenants, easements, Association by-laws, existing or proposed on the property:

Yes xxx (Attach copies) No Proposed

Note: All deed restrictions, covenants, easements, Association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of property:

three story brick office building

6.	Applicant's Attorney:	Salvatore Alfieri, Esq.	
	Address:	955 Route 34, Suite 200, Matawan, NJ 07747	
	Telephone No.:	732-583-7474	Fax No.: 732-566-7687
	Email:	salfieri@cgajlaw.com	

7.	Applicant's Engineer:		
	Address:		
	Telephone No.		Fax No.:
	Email:		

8.	Applicant's Planner:		
	Address:		
	Telephone No.:		Fax No.:
	Email:		

9.	Applicant's Traffic Engineer:		
	Address:		
	Telephone No.		Fax No.
	Email:		

10.	List all other expert(s) submitting reports or testifying for the Applicant. Attach additional sheets as necessary:		
	Name:		
	Field of Expertise:		
	Address:		
	Telephone No.:		Fax No.:
	Email:		

Request for waiver from Site Plan Review and Approval. Reason for request:

Informal Review (Planning Board only).
Appeal Decision of an Administrative officer,
(N.J.S.40:55D-70a.)
xxxx Map or Ordinance Interpretation of Special Question,
(N.J.S.40:55D-70b).
Variance Relief - Hardship (N.J.S.40:55D-70c(1)).
Variance Relief - Substantial Benefit (N.J.S.40:55D-70c(2)).
Variance Relief - Use (N.J.S.40:55D-70D).
Conditional Use Approval (N.J.S.40:55D-67).
Direct issuance of a permit for a structure in bed
of a mapped area, public drainage way or flood
control basin (N.J.S.40:55D-34).

NOTE: Appeals of decisions of Administrative Officers, use variances, and the direct issuance of permits are all matters to be heard by the Zoning Board of Adjustments only.

12. Section(s) of Ordinance from which a variance is requested:

Ordinance 18.73.010-Minimum required off-street parking spaces.

13. Waivers Requested of Development Standards and/or Submission Requirements (attach additional pages as needed):

no development is proposed.

14. Attach a copy of the Notice to appear in the Asbury Park Press, the Borough's official newspaper, and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 ft. in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. The publication and service on the affected owners must be accomplished at least ten (10) days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and an affidavit of publication must be filed before the application will be complete and the hearing can proceed.

15. Explain in detail the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises. (Attach pages as needed):

No proposed improvements/alterations to the property. The Applicant seeks an interpretation of the resolution passed by the Borough Planning Board (Resolution No. 15-85). The Applicant received board approval to waive the required 67 parking spaces. In lieu of the parking spaces, the Applicant provided certain improvements to the Borough Triangle Parking Area.

16. Is a public water line available? ☒ Yes ☐ No

17. Is a public sanitary sewer available? ☒ Yes ☐ No

18. Does the application propose a well? ☐ Yes ☒ No

Does the application propose a septic system? ☐ Yes ☒ No

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate lot and block numbers? ☐ Yes ☒ No

20. Are any off-tract improvements required or proposed? ☐ Yes ☒ No

21. Is the subdivision to be filed by deed or plat? ☐ Yes ☒ No

22. What form of security does the applicant propose to provide as performance and maintenance guarantees?

n/a

23. Other approvals which may be required & date plans submitted:

AGENCY	YES	NO	DATE PLANS SUBMITTED
Manasquan Regional Sewer Authority		n/a	
Monmouth County Health Dept.		n/a	
Monmouth County Planning Bd.		n/a	
Freehold Soil Conservation District		n/a	
NJ Dept. of Environmental Protection		n/a	
Sewer Extension Permit		n/a	
Sanitary Sewer Connection Permit		n/a	
Stream Encroachment Permit		n/a	
Wetlands Permit		n/a	
Potable Water Construction Permit		n/a	
Other (Please note.)		n/a	
NJ Department of Transportation		n/a	
NJ Natural Gas Co.		n/a	
JCP&L		n/a	
Other (Please note.)		n/a	

24. Certification from the Tax Collector that all taxes on the subject property are paid and current (see page 14 - complete only top portion of page).

25. List all Maps, Reports, and other materials accompanying the application. (Attach additional pages as required for complete listing).

QUANTITY

DESCRIPTION OF ITEM

18

Resolution No. 85

26. I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant, or I am an officer of the corporate applicant, and that I am authorized to sign the application for the corporation, or that I am a general partner of the partnership applicant.

Please note: If the applicant is a corporation, an authorized corporate officer must sign this section. If applicant is a partnership, a general partner must sign this section.

Sworn and subscribed before me
this 5th day of February, 2021

NOTARY PUBLIC JENNA MOORE
A Notary Public of New Jersey
My Commission Expires December 13, 2025

SIGNATURE OF APPLICANT

27. I certify that I am the owner of the property which is the subject of this application; that I have authorized the applicant to make this application; and that I agree to be bound by the application, the representations made, and the decision in the same matter as if I were the applicant.

Please note: If the applicant is a corporation, an authorized corporate officer must sign this section. If applicant is a partnership, a general partner must sign this section.

Sworn and subscribed before me
this 5th day of February, 2021

NOTARY PUBLIC JENNA MOORE
A Notary Public of New Jersey
My Commission Expires December 13, 2025

SIGNATURE OF OWNER

28. I understand that the sum of \$ 1500.00 has been deposited in an escrow account (Builder's Trust Account). In accordance with the Ordinances of the Borough of Freehold, I further understand that the escrow account is established to cover the cost of professional services, including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within ten (10) days.

DATE

SIGNATURE OF APPLICANT

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, N.J. 07728

LAND USE DEPARTMENT SITE PLAN APPLICATION

____ MAJOR

XX REQUEST FOR WAIVER

Applicant's Name: 36 West Main Street Freehold, LLC

Trade Name: _____

Applicant's Address: 107 Monmouth Road; suite 102, West Long Branch, NJ 07764

Block: 71 Lot(s): 3.03

Name of Project: n/a

Street Address: 36 West Main Street

1. Proposed Use of Area: n/a

2. Area of Entire Tract: 0.1833 acres

3. Dimensions of Existing Structures on Lot:

n/a

4. Parking Stalls: Number existing 0 Number proposed 0

5. Total number of employees: _____

6. Number of Dwelling Units if applicable: n/a

7. Number of Seating Facilities: _____

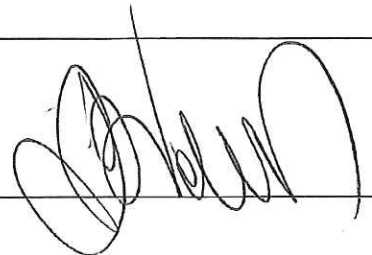
8. Reason for Waiver if applicable: _____

no improvements are proposed on the property. application is so for

interpretation from the Board

Date: 2/14/99

Applicant or Agent: _____



**BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, N.J. 07728**

LAND USE DEPARTMENT TAX CERTIFICATION

Applicant's Name: 36 West Main Street Freehold, LLC

Trade Name: _____

Applicant's Address: 107 Monmouth Road; suite 102, West Long Branch, NJ 07764

Owner's Name: Same as Applicant

Address: Same as Applicant

Block: 71 Lot(s): 3.03

Physical Address: 36 West Main Street

The taxes & assessments due **including interest** for the above block and lot are - **TO BE COMPLETED BY TAX COLLECTOR:**

<u>QUARTER</u>	FOR YEAR _____	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Other Municipal charges as follows: \$ _____

The Water & Sewer charges **including interest** for the above block and lot are - **TO BE COMPLETED BY TAX COLLECTOR:**

<u>QUARTER</u>	FOR YEAR _____	FOR YEAR _____
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

The total amounts due as of this date for the above referenced property are as follows - **TO BE COMPLETED BY TAX COLLECTOR:**

TAXES:	\$ _____
OTHER ASSESSMENTS:	\$ _____
WATER & SEWER:	\$ _____
TOTAL:	\$ _____

Date: _____ Tax Collector: _____

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD N.J. 07728

LAND USE DEPARTMENT EXHIBIT LISTING

PROJECT NAME: Request for Interpretation for 36 W Main Street

APPLICATION NUMBER: _____

DATE OF HEARING: _____

APPLICANT'S EXHIBITS

EXHIBIT NO.	DESCRIPTION OF EXHIBIT
A-1	Resolution No. 15-85
A-2	
A-3	
A-4	
A-5	
A-6	
A-7	
A-8	
A-9	
A-10	
A-11	
A-12	
A-13	
A-14	

BOARD EXHIBITS
(To be completed by the Borough)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT
B-1	
B-2	
B-3	
B-4	
B-5	
B-6	
B-7	
B-8	

SITE PLAN CHECKLIST - PRELIMINARY APPROVAL

NAME OF APPLICANT: 36 West Main Street Freehold, LLC

BLOCK: 71 LOT: 3.03

TRADING AS: _____

SITE ADDRESS: 36 West Main Street

INSTRUCTIONS: The applicant is to check off each item with which he has complied. If he believes the item is not applicable, then he should enter "N.A." For those items not complied with, there must be a letter seeking a waiver and the reasons for granting the waiver.

	<u>Information Provided</u>	<u>Staff Review</u>
1. Name, address, and title of person preparing site plan.	<u>n/a</u>	_____
2. Name and address of applicant.	<u>n/a</u>	_____
2. Name and address of owner of the land.	<u>n/a</u>	_____
4. The municipal tax map lot and block numbers of the lot(s) shown on the site plan and the tax sheet number or numbers.	<u>n/a</u>	_____
5. Key Map.	<u>n/a</u>	_____
6. A date, scale and north arrow on each sheet of the site plan.	<u>n/a</u>	_____
7. The zoning district or districts in which the lot or lots are located.	<u>n/a</u>	_____
8. If the site plan includes more than one sheet, each sheet shall be numbered and titled.	<u>n/a</u>	_____
9. The location of all existing watercourses, wood areas, easements, right-of-ways, streets, roads, highways, freeways, railroads, canals, rivers, buildings, structures, or any other feature if such feature has an effect upon the said property.	<u>n/a</u>	_____
10. The location of all existing and proposed landscaped areas and all existing trees over six inch caliper.	<u>n/a</u>	_____
11. The location, use, finished grade level and ground area of each existing and proposed building, structure, or any other land use, including all setback dimensions.	<u>n/a</u>	_____
12. The location, names and widths of all existing and proposed streets (including cross sections and profiles) abutting the lot or lots in question and within 200 ft. of said lot.	<u>n/a</u>	_____

	Information Provided	Staff Review
13. The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layout thereof and all off-street loading areas, together with the dimensions of all the foregoing.	<u>n/a</u>	_____
14. The capacity of proposed off-street parking areas and location of all off-street parking spaces (including handicapped spaces).	<u>n/a</u>	_____
15. The location and size of proposed loading berths.	<u>n/a</u>	_____
16. The location and treatment of existing and proposed entrances and exits to public rights-of ways, including the possible utilization of traffic signals, channelization, acceleration/ deceleration lanes, additional width and any other device necessary to traffic safety and/or convenience.	<u>n/a</u>	_____
17. The location, size and nature of all existing and proposed rights-of-ways, easement and other encumbrances which may affect the lot or lots in question, and the location, size, and description of any lands to be dedicated to the municipality or the County of Monmouth.	<u>n/a</u>	_____
18. Description of interior traffic circulation.	<u>n/a</u>	_____
19. The location, type, and size of all exterior lighting of parking, loading and driveway areas.	<u>n/a</u>	_____
20. The location and identification of proposed open spaces, parks, or other recreation areas.	<u>n/a</u>	_____
21. The location and design of buffer areas and screening devices to be maintained.	<u>n/a</u>	_____
22. Existing topography based upon New Jersey Geodetic Control Survey datum and proposed grading both with a maximum of two foot contour levels.	<u>n/a</u>	_____
23. The location type and size of all existing and proposed catch basins, storm drainage facilities and utilities, plus all required design data supporting the adequacy of the existing or proposed facility to handle future storm flows (design calculations for a 25 year storm).	<u>n/a</u>	_____
24. The location of all existing and proposed signs (If sign is non-conforming, please note herein if request is being made for a Design Waiver as part of this application); standards, utility poles and their size, type of construction, and location of water supply and sewage disposal systems.	<u>n/a</u>	_____

	Information Provided	Staff Review
25. The location of all existing property lines adjoining the tract and all lines within 200 ft. of the boundary lines of the major tract and the name of the owner of each property.	<u>n/a</u>	_____
26. The location, size and nature of the entire lot in question, and any contiguous lots owned by the applicant, or in which the applicant has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought.	<u>n/a</u>	_____
27. Complete construction specifications to include description, materials and method of construction for all required improvements shall be submitted with all site plan applications. A schedule of events and time sequence shall also be submitted for all required improvements. A preconstruction conference shall be required prior to the construction of any required improvements between the owner, contractor and engineer, and shall be a condition of any approval.	<u>n/a</u>	_____
28. Preliminary architectural plans for any proposed buildings or structures indicating typical floor plans, elevations, height and general design or architectural styling. Such plans shall include the name, address, and title of the person preparing the plans.	<u>n/a</u>	_____
29. Any other information required by the Planning Board or the Monmouth County Planning Board which is reasonably necessary to ascertain compliance with the provisions of this chapter or other Federal, State, County or Municipal laws, rules or regulations.	<u>X</u>	_____
30. Site Plan Scale not smaller than 1" = 50', and not larger than 1" = 10'	<u>n/a</u>	_____
31. Submission has been made to the County Planning Board, and their comments/approval are attached to the site plan.	<u>n/a</u>	_____
32. The location of and disposal process for all refuse and recyclable materials.	<u>n/a</u>	_____
33. Compliance with Handicap Regulations.	<u>n/a</u>	_____
34. Signature block for Chairperson, Secretary, and Borough Engineer and signature block for County Planning Board if applicable.	<u>n/a</u>	_____
PLEASE NOTE: Underneath the title of engineer, there should be listed "William T. Wentzien, P.E., New Jersey License No. 27799".	<u>n/a</u>	_____
35. If determined to be a "major" site plan, the names of owners of record of adjacent property within 200 ft.	<u>n/a</u>	_____

PREPARED BY: Catherine Kim, Esq., Attorney for Applicant DATE: 2/4/21

OWNER/AGENTS APPROVED:  DATE: 2/4/21

REVIEWED BY: _____ DATE: _____

NAME OF APPLICANT: 36 West Main Street Freehold, LLC

BLOCK 71 LOT 3.03

ADDRESS: 36 West Main Street

INSTRUCTIONS: The applicant is to estimate his required fees by filling in the first column. Two (2) checks are required with the application: one for application fees (Schedule A), and a second for escrow fees (Schedule B) both checks payable to the Borough of Freehold. Schedule A fees are non-refundable. Schedule B fees are used to offset the costs of professional reviews and inspections as permitted by law, and any remaining balance will be refunded to the Applicant upon completion of the project, or the withdrawal/denial of the project.

For major subdivisions and site plans, the final application and approval fee can be paid after preliminary approval, if desired. Inspection fees must be paid prior to the start of construction.

SCHEDULE A: NON-REFUNDABLE FEES

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
A. Publication of Notice of Any Decision	\$ 50.00	50	
B. List of Property Owners Within 200 ft.	\$ 0.25 per name, or \$10.00, whichever is greater.		
C. Minor Subdivision Approval:			
1. Each Informal Review	\$ 100.00	XX	XX
2. Application Fee	\$ 100.00		
3. Plat Review Fee	\$ 200.00		
D. Major Subdivision Approval:			
1. Each informal Review	\$ 100.00	XX	XX
2. Preliminary Application Fee	\$ 100.00 + \$200.00 per lot		
3. Final Plat Application Fee	\$ 100.00 + \$100.00 per lot		
E. Minor Site Plan Approval: (Less than 2,000 sq. ft. of building area, and five or fewer parking spaces):			
1. Each Informal Review	No Fee		
2. Application Fee	\$ 100.00		
3. Preliminary Review Fee	\$ 200.00		
4. Final Review Fee	\$ 200.00		
F. Waiver of Site Plan Detail Request	\$ 250.00		
G. Major Site Plan Approval: (2,000 or more sq. ft. of building area and/or more than five parking spaces):			
1. Each Informal Review	\$ 100.00		
2. Preliminary Application Fee	\$ 100.00		
3. Preliminary Approval Review Fees:			
a. Residential - The sum of:			

I. For each new dwelling unit	\$ 50.00	_____	_____
II. For each remodeled, reconstructed, refurbished or rehab dwelling unit	\$ 30.00	_____	_____
III. For each new or additional parking space:			
a. First 100 spaces	\$ 25.00 ea.	_____	_____
b. Over 100 spaces	\$ 20.00 ea.	_____	_____
b. Other Uses	\$ 200.00 +	_____	_____
(The sum of each of the following fees if applicable):			
I. For each full 1,000 sq. ft. of affected lot area (See (O) below):			
a. First 50,000 sq. ft.	\$ 10/1,000 sf.	_____	_____
b. Over 50,000 sq. ft.	\$ 5/1,000 sf.	_____	_____
II. For each full 1,000 sq. ft. proposed new gross floor area:			
a. First 50,000 sq. ft.	\$ 50/1,000 sf.	_____	_____
b. Over 50,000 sq. ft.	\$ 20/1,000 sf.	_____	_____
III. For each proposed new or additional parking spaces:			
a. First 100 spaces	\$ 20/sp	_____	_____
b. Over 100 spaces	\$ 10/sp	_____	_____
IV. For each 1,000 sq. ft. of remodeled existing gross floor area	\$ 10/1,000 sf.	_____	_____
V. For each reconstructed, resurfaced or improved existing paved parking space	\$ 10/1,000 sf.	_____	_____
4. Final Application Fee	\$ 200.00	_____	_____
5. Final Approval Review Fees - fifty percent (50%) of fees for preliminary approval set forth above.		_____	_____
H. Variances:			
1. Appeals (N.J.S.A.40:550-70a):			
a. Single family residential uses	\$ 100.00	_____	_____
b. Other	\$ 200.00	_____	_____
2. Interpretation of the Land Use Ordinance or Map (N.J.S.A.40:55D-70b)	\$ 250.00	<u>250</u>	_____
3. Hardship or Bulk Variance, (N.J.S.A.40:55D-70c):			
a. Single-family residential uses	\$ 200.00	_____	_____
b. Other	\$ 300.00	_____	_____
4. Use Variance (N.J.S.A.40:55D-70d)			
a. Proposed single-family residential use	\$ 250.00	_____	_____
b. Other Uses	\$ 500.00	_____	_____
I. Conditional Uses:	\$ 500.00	_____	_____
J. Public Hearing fee for those development applications requiring Notice of Public Hearing			
	\$ 100.00	_____	_____
K. Change of Master Plan or Zone District Request			
	\$ 200.00	_____	_____

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
L. Environmental Impact Statement (EIS):			
1. Required E.I.S.	\$ 500.00	_____	_____
2. For request of waiver of E.I.S.	\$ 200.00	_____	_____
M. Revised Plats: Any proposed revisions to a plat, including all supporting maps and documents previously approved by the Reviewing Board which approval is still in effect, shall require submission of revised plat and payment of fees in accordance with the following and with sufficient copies of the revised plans:			
1. Additional information or changes requested by the Reviewing Board or Borough Engineer	NO FEE	XX	XX
2. Minor changes which do not involve any additional building or parking or significant change in the design of the site or subdivision	\$ 50.00	_____	_____
2. Changes which involve additional buildings or parking or a significant change in the design of the site or subdivision, an application and application fee equal to one-half the fee required for the initial submission.		_____	_____
4. A change in use and/or major alteration of the design concepts of the plat shall be considered a new application.			
N. Request for Re-approval or Extensions of Time Where No Change is Required:			
1. Minor Subdivision - Re-approval Only	\$ 200.00	_____	_____
2. Major Subdivision and site plans	\$ 400.00	_____	_____
3. Other applications for development (Soil removal, etc.)	\$ 100.00	_____	_____
O. Site Plan Charges Computation:			
In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the charge shall be based upon an area extending twenty feet (20 ft.) outside the limits of all construction, including grading and landscaping, as well as other areas on the site the Borough Engineer believes are reasonably affected by the development application. The twenty feet (20 ft.) around the disturbed area shall not extend beyond the property lines. The Borough may still require reasonable improvements and upgrading to portions of the site not within the disturbed or affected area.			

BLOCK 71LOT 3.03

	<u>Fee</u>	<u>Applicant Estimate</u>	<u>Staff Review</u>
P. Zoning Permits:	\$ 50.00	_____	_____
Q. Sign Appeals	\$ 100.00	_____	_____
R. Review of Sales Map	\$ 450.00	_____	_____
S. Street Signs	Actual Cost	_____	_____
T. Review by Technical Review Committee prior to Formal Application	\$ 100.00/session	_____	_____
 TOTAL APPLICATION FEES:		\$ <u>300.00</u>	_____

SCHEDULE B: ESCROW FEES

	<u>Fee</u>	<u>Escrow To Be Posted</u>	<u>Staff Review</u>
RESIDENTIAL DEVELOPMENT:			
Minor Subdivisions	\$ 1,500.00	_____	_____
Major Subdivisions:			
0 - 5 Units or Lots	2,500.00	_____	_____
6 - 25 Units or Lots	3,000.00	_____	_____
26 or More Units or Lots	7,000.00	_____	_____
SITE PLAN APPLICATION NOT INVOLVING STRUCTURES, ACRES			
0 - 3	5,000.00	_____	_____
3 +	8,000.00	_____	_____
Site Plan Application Not Involving Structures - Total Floor Plan:			
1,250 - 1,999 sq. ft.	2,000.00	_____	_____
2,000 - 20,000 sq. ft.	4,000.00	_____	_____
20,000+ sq. ft.	8,500.00	_____	_____
VARIANCE - USE/BULK	2,500.00	_____	_____
Minimum Escrow for those Applications not governed by other Escrow accounts	1,500.00	_____	_____
Interpretations/Sign Applications	1,500.00	<u>1500.00</u>	_____
Any action requiring a Written Resolution by the Reviewing Board:			
Conditional Use	1,500.00	_____	_____
TOTAL ESCROW FEES:		\$ <u>1500.00</u>	_____

NOTE: SEPARATE CHECKS REQUIRED FOR THE APPLICATION FEE AND ESCROW FEE.

AGENDA NO. 12-85

RESOLUTION NO. 1588

FREEHOLD BOROUGH PLANNING BOARD

RESOLUTION GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND PARKING WAIVER TO CAMBRIDGE SQUARE REALTY ASSOCIATES.

Mr. FOSTER offered the following Resolution and moved
its adoption, which was seconded by Mr. KIELY.

WHEREAS, Cambridge Square Realty Associates, hereinafter
referred to as the "Applicant" is the owner of premises known
as Block 71, Lot 3.03 as shown on the Tax Map of the Borough of
Freehold; and

WHEREAS, the Applicant has submitted an application for
preliminary and final site plan approval, in addition to a
waiver from the parking requirements of the Site Plan
Ordinance; and

WHEREAS, the application has been submitted to the Freehold
Borough Planning Board in accordance with the Freehold Borough
Site Plan Ordinance and a public hearing on the application was
held on August 14, 1985; and

WHEREAS, the Applicant presented appropriate proof of
service and publication as well as sworn testimony, all of
which have been carefully considered and reviewed by the Board;
and

WHEREAS, the following documents were marked as Exhibits
during the hearing:

A-1 Site plan application.

A-2 Site plan map dated July 17, 1985, prepared by
Edward A. Patalano, P.E. and L.S., consisting
of one page.

A-3 List of partners.

A-4 Affidavit of Publication.

A-5 Affidavit of Service.

A-6 Color rendering of front elevation of the proposed office building.

B-1 Borough Engineer's report dated August 6, 1985.

B-2 Monmouth County Planning Board action dated August 7, 1985; and

WHEREAS, the Freehold Borough Planning Board has found the following facts and drawn the following conclusions of law:

1. The Applicant is the owner of the above referenced premises located on West Main Street in the Borough of Freehold.

2. The property is located in the B-2 (Business) zoning district.

3. The property is currently vacant and is immediately adjacent to property owned by the Borough of Freehold and currently being renovated into a public parking lot known as the Triangle Parking Area. The Applicant desires to construct a three story brick office building as depicted on the site plan (A-1) and the color rendering (A-6).

4. Pursuant to the Site Plan Ordinance of the Borough of Freehold, the Applicant would have to provide parking for 65 vehicles. Because of the size of the subject property, it is impossible to provide for this number of parking spaces and in lieu thereof, the Applicant has agreed and in fact, has volunteered to provide the following improvements to the Borough Triangle Parking Area:

(a) Two inch FABC (approximately 20 square yards).

(b) One and one-half inch FABC (approximately 3,075 square yards).

(c) Tack coat (approximately 154 gallons).

(d) Four inch bituminous stabilized base (approximately 3,075 square yards).

(e) Four inch stone base course (approximately 3,075 square yards).

(f) Concrete sidewalk (approximately 2,074 square feet).

(g) Concrete curb (approximately 1,445 lineal feet).

(h) Handicapped ramps (two).

5. The proposed use is permitted within the zoning district.

6. Although there was no lighting plan shown, Ely Kramer, on behalf of the Applicant, testified that wall-mounted lighting fixtures would be installed on the front and rear of the structure with the style and intensity of the lighting fixtures to be subject to the approval of the Borough's Planners and Borough's Engineer. The building will have a walk-through promenade which the Applicant has agreed to have lighted during all dark hours of the day. In addition, within this promenade will be planters with appropriate landscaping. The Applicant has agreed that the plantings to be located within the promenade shall be subject to review by the Borough's Planners.

7. The application contained no signs and the Applicant has agreed that any signs to be placed in conjunction with this development shall be subject to approval of the Borough's Planners and if the signs do not comply with the Borough Ordinance, the Applicant will appear before this Board for a variance.

8. The Applicant will have a garbage compactor located on site in the basement of the building which will obviate the

necessity for the location of a trash dumpster on the exterior of the property.

9. The Borough Engineer rendered a report on the application, which report was dated August 6, 1985. In his report, the Engineer has seven comments. The Board waives the requirement set forth in comment No. 1. Comment No. 2 is addressed by the improvements which the Applicant will make to the Triangle Parking Area. The Applicant has agreed to comply to the satisfaction of the Borough Engineer with comments 3 through 7 of his report.

10. The Board is of the opinion, based upon the evidence before it, that the subject site plan will encourage development and design consistent with the Freehold Borough Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Freehold Borough Planning Board that the application of Cambridge Square Realty Associates for preliminary and final site plan approval and a waiver of parking requirements is granted, subject however, to the following conditions:

(a) Publication by the Applicant of a notice of this decision in one of the official newspapers of this municipality and the return of proof of said publication to the Clerk of the Planning Board.

(b) Payment of taxes and assessments to date.

(c) Compliance with all conditions set forth in the above referenced findings of fact.

(d) Approval of the Freehold Soil Conservation District.

BE IT FURTHER RESOLVED that this Resolution shall serve as one of memorialization of the action taken by this Board at its meeting of August 14, 1985 and effective as of that date.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental subdivision as set forth in any laws or regulations.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution, providing there is compliance by the Applicant with the above conditions.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Borough Construction Official, Borough Clerk, Borough Assessor, Borough Engineer, and within ten (10) days of today's date to the Applicant herein by forwarding a copy of this Resolution to Steven J. Tripp, P.O. Box 10, Woodbridge, New Jersey, 07095.

ROLL CALL:

YES: HAMMER, HIGGINS, FOSTER, EBBESEN, KIRLY, RANDOLPH

NO: NONE

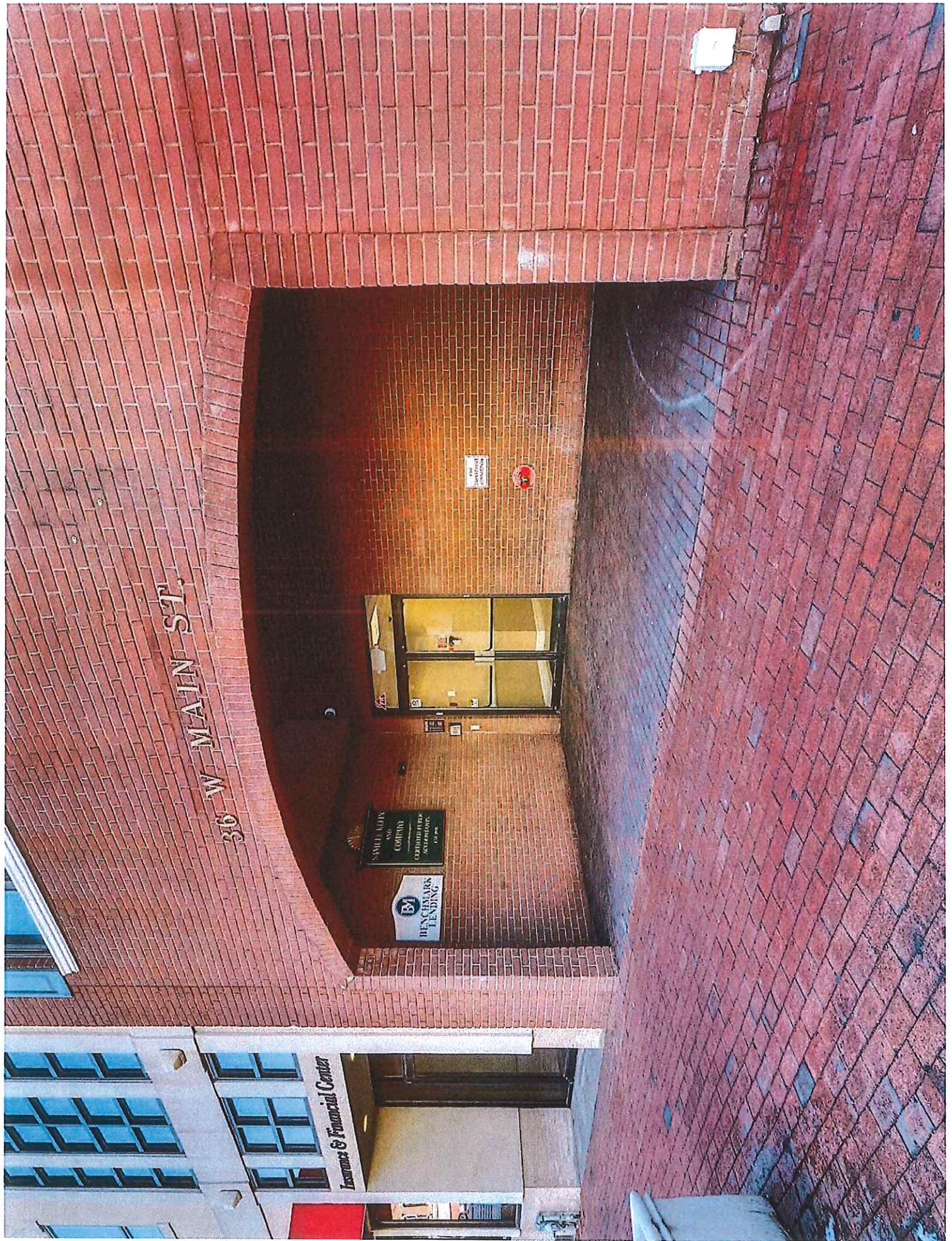
ABSTAINED: SHORIMEYER

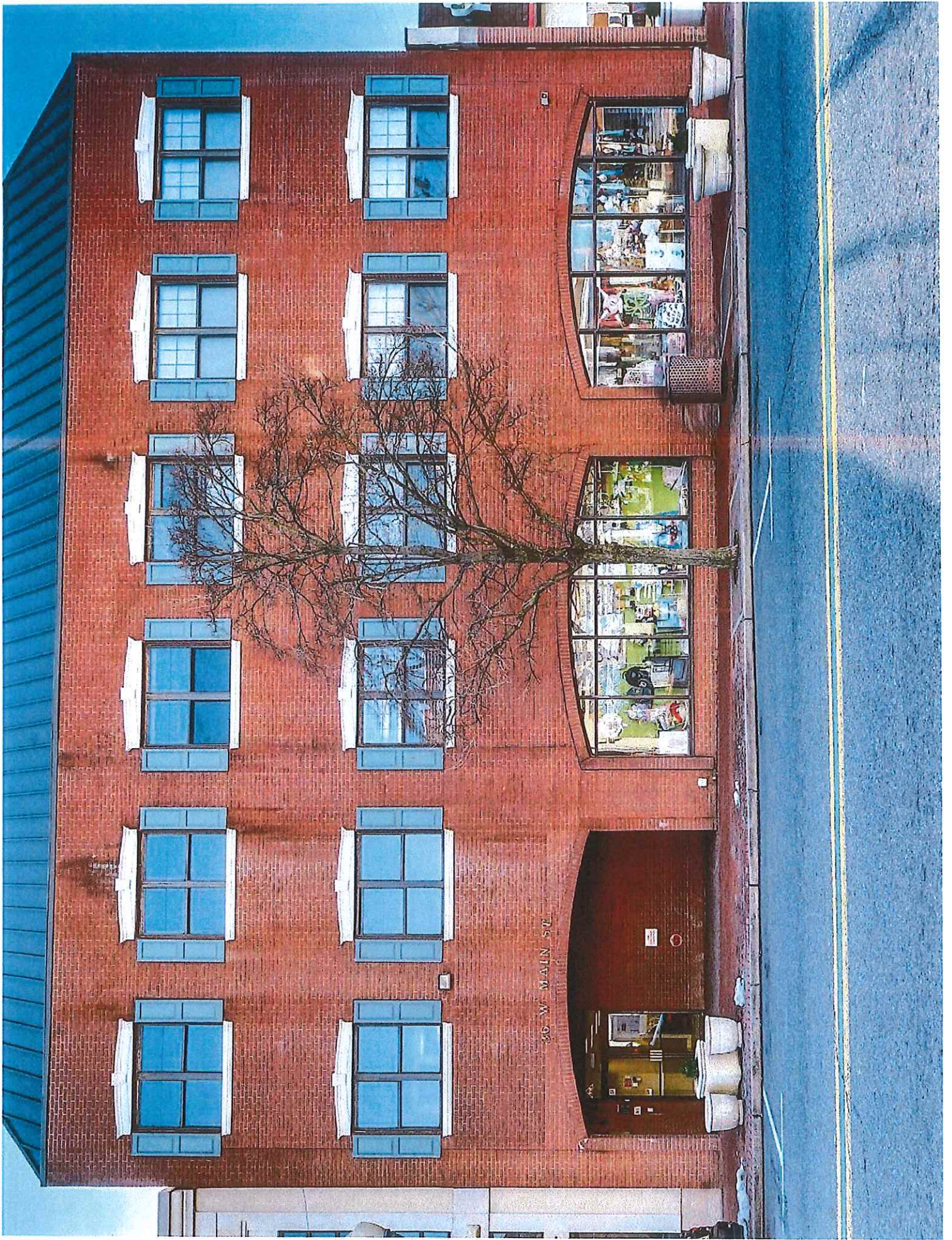
ABSENT: GUNTHER, BALLEW, DE SANTO, WILSON

DATED: AUGUST 28, 1985

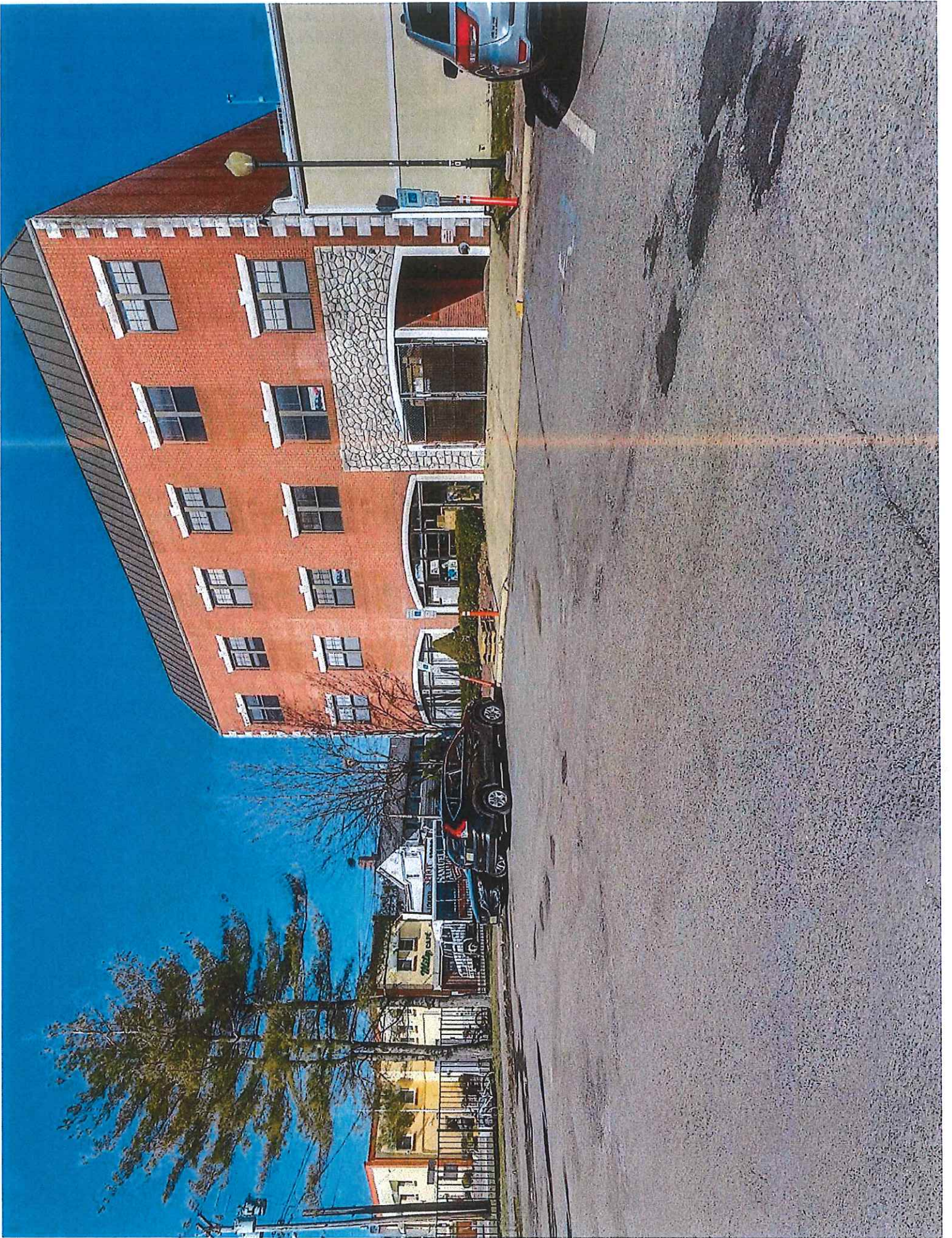
I HEREBY CERTIFY the foregoing to be a true copy of the Resolution adopted by the Freehold Borough Planning Board
on AUG 28 1985

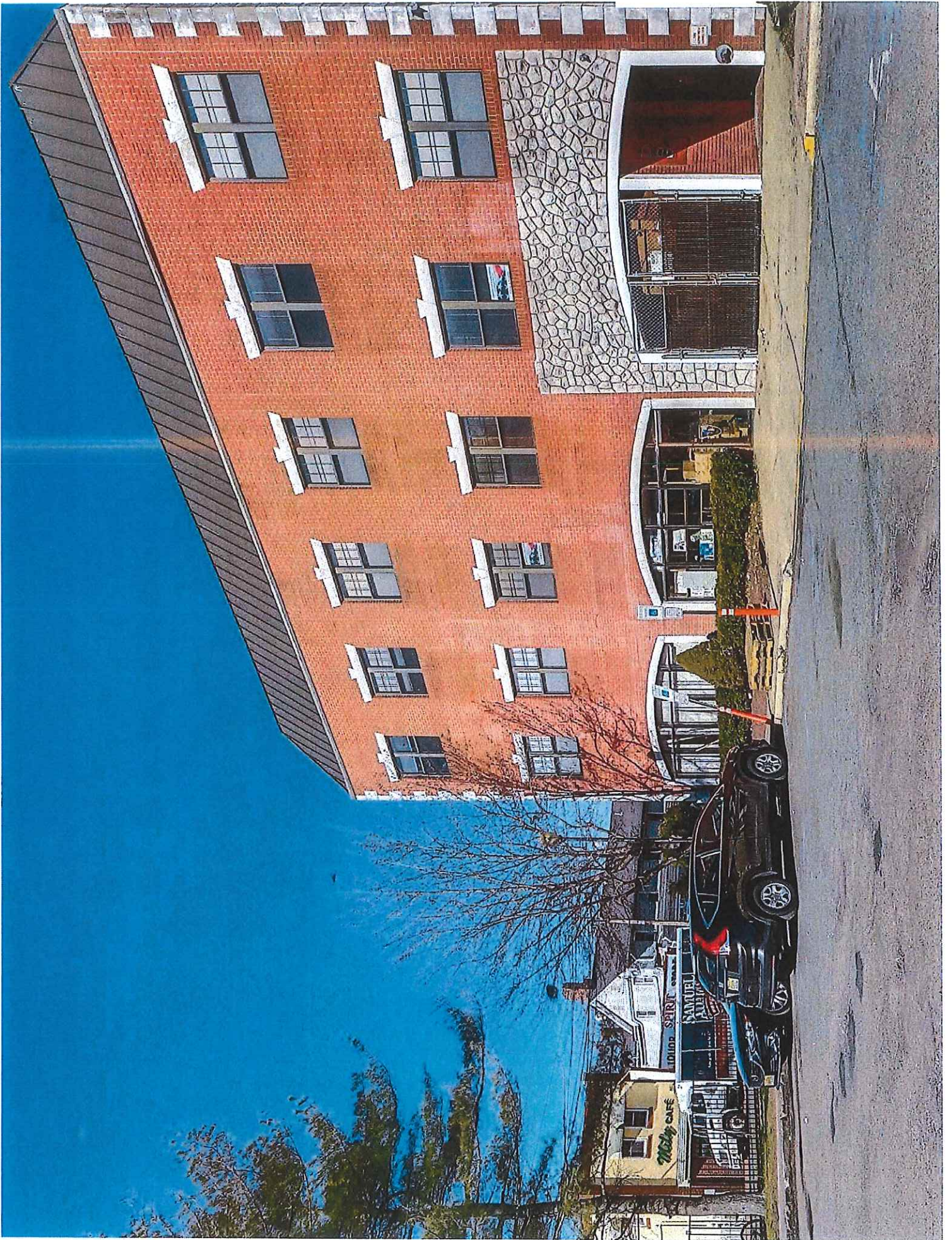

SECRETARY



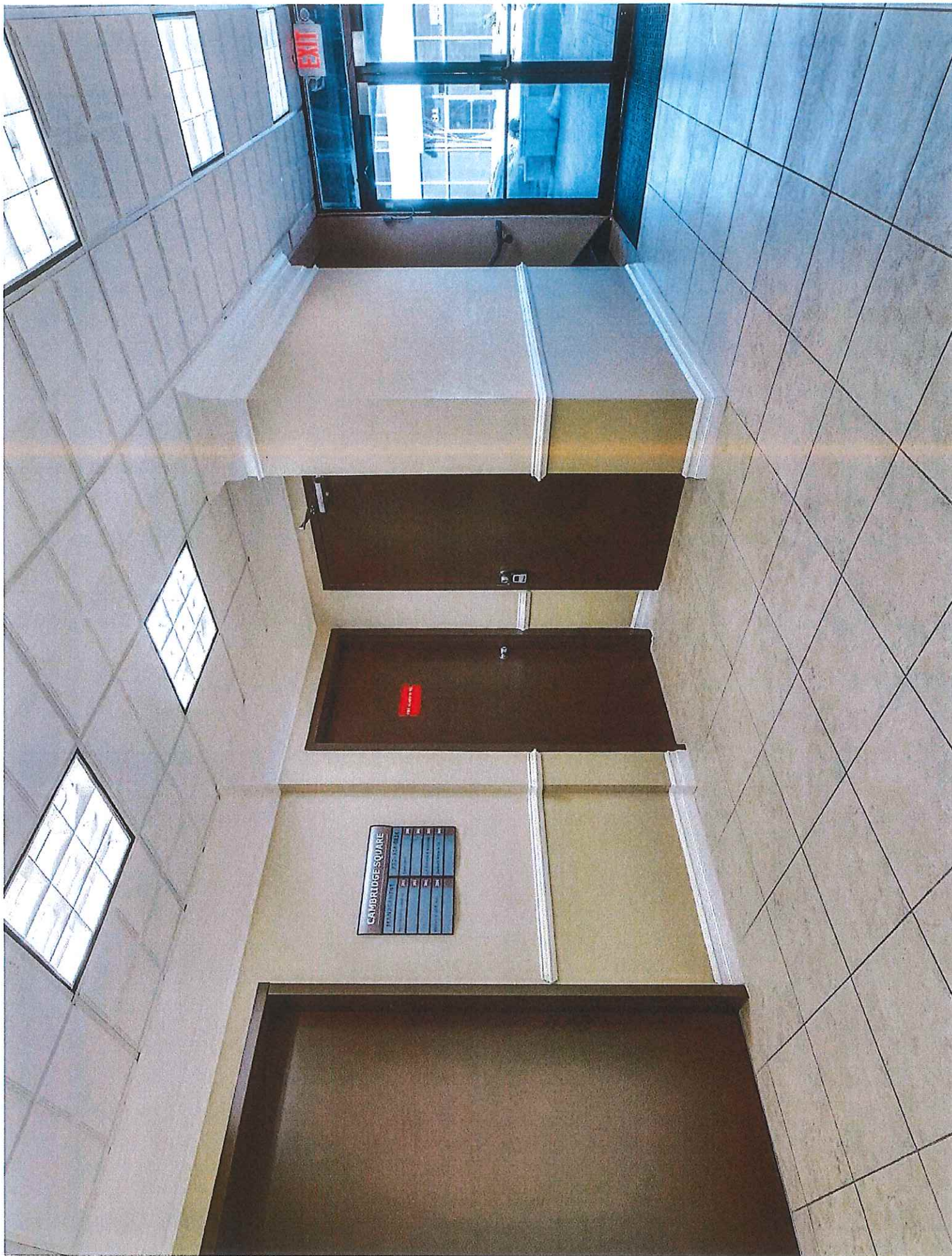






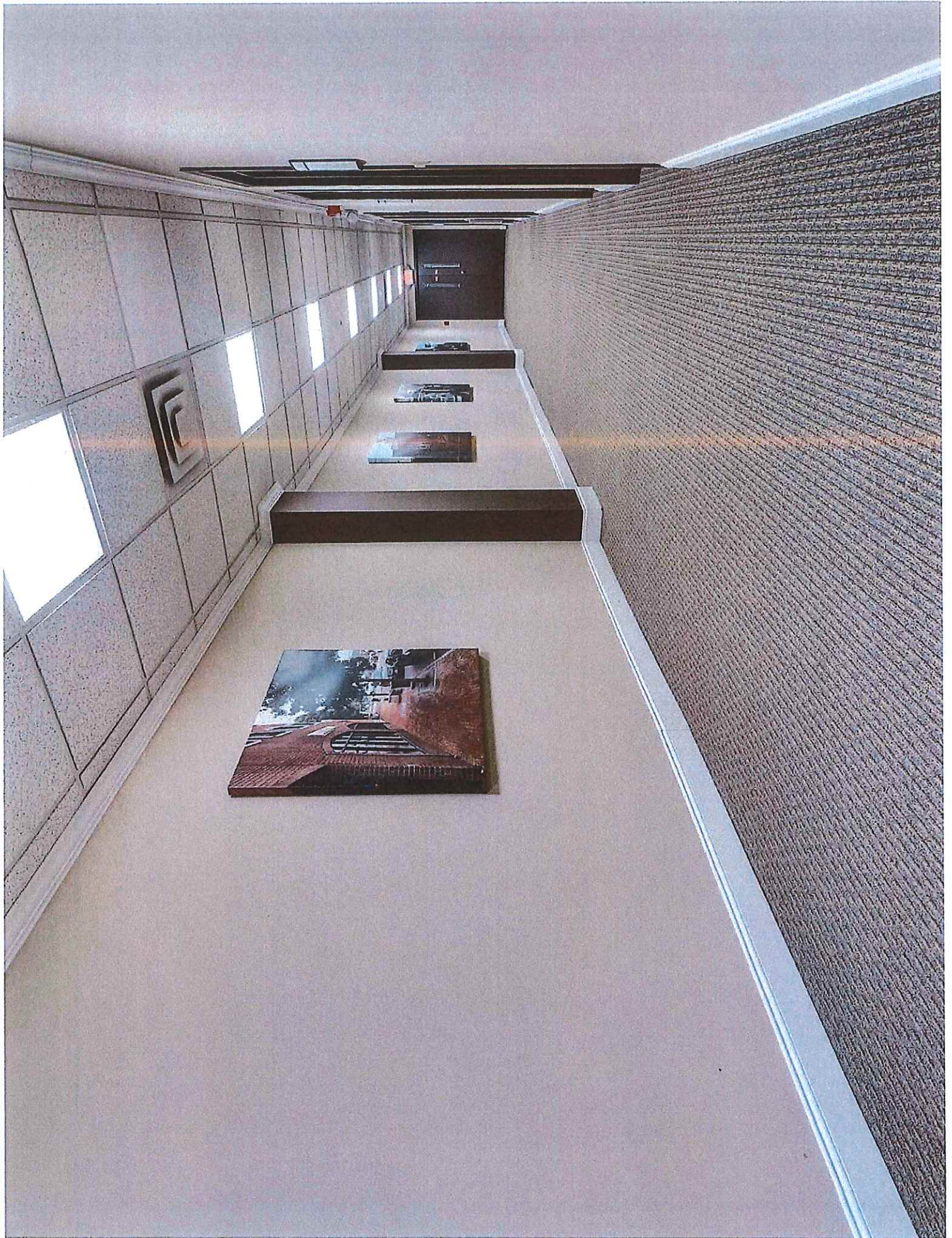














1315.002.087
February 18, 2021

Dominica Napolitano, Secretary
Freehold Borough Planning Board
Borough of Freehold
51 West Main Street
Freehold, NJ 07728

**RE: 36 WEST MAIN STREET FREEHOLD, LLC
APPLICATION REVIEW
INTERPRETATION REQUEST
BLOCK 71, LOT 3.03
BOROUGH OF FREEHOLD, MONMOUTH COUNTY, NEW JERSEY**

Dear Ms. Napolitano:

Please be advised that we are in receipt of the referenced application consisting of the following:

1. Planning Board Application Form, signed February 5, 2021.
2. Correspondence from Cleary, Giacobbe, Alfieri, Jacobs, LLC to the Freehold Land Use Department, dated February 5, 2021.
3. Application Checklist, dated February 4, 2021.
4. Copy of Freehold Borough Planning Board Resolution 15-85, dated August 28, 1985.

The subject of this application is certain lands known as Block 71, Lot 10, also known as 36 West Main Street. The site is located in the **B-2 General Commercial Zone**, the **Freehold Center Historic District Area**, and the **2019 Center Core Rehabilitation Plan Area** of the Borough. The documents indicate the site contains 0.1833 acres. This would equate to 7,984.55 s.f.

Existing

1. The site presently contains an existing 3 story brick building.
2. The building fronts along West Main Street, and the rear of the building connects to the adjacent Freehold Borough McGackin Parking Lot (Triangle Parking Lot). Parking lot having access off South Street.
3. No parking is provided on-site
4. Existing breakdown of all uses, that have been within the building, with associated square footages, and unit counts, was not provided.

Prior Resolution

The applicant provided a copy of a prior Resolution of Approval, associated with the building, namely Resolution #15-85, dated August 28, 1985. The 1985 Resolution indicates;

1. Applicant: Cambridge Square Realty Associates, Block 71, Lot 3.03
2. Granting Preliminary and Final Site Plan Approval, and Parking Waiver
3. Site located in the B-2 (Business) zoning district
4. Indicates, at the time of the resolution, the adjacent Borough parking lot was "currently being renovated into a public parking lot, known as the Triangle Parking Area".
5. Application to construct a three (3) story brick office building
6. Parking for 65 vehicles required.
7. Parking waiver for 65 spaces was granted.
8. In granting the parking waiver, the applicant agreed to provide improvements to the Borough Triangle Parking Area, consisting of the following:
 - a. Two inch FABC (approximately 20 square yards)
 - b. One and one-half inch FABC (approximately 3,075 square yards)
 - c. Tack coat (approximately 154 gallons)
 - d. Four inch bituminous stabilized base (approximately 3,075 square yards)
 - e. Four inch stone base course (approximately 3,075 square yards)
 - f. Concrete sidewalk (approximately 2,074 square feet)
 - g. Concrete Curb (approximately 1,445 lineal feet)
 - h. Handicapped ramps (two)

The applicant has requested **Interpretation of prior Resolution 15-85, regarding parking spaces, and waiver of same.**

The following information is provided to the Board to assist in their deliberation of this matter.

ZONING

1. The Planning Board Application Form, #5, indicates the present use as: Office. Per 3.a.1 of the 2019 Center Core Rehabilitation Plan (2019 CCRP), Professional Office Use is a permitted principal use in the current 2019 CCRP Plan Area, Downtown Zone.
2. As noted above, a complete breakdown of all separate uses that have been within the building, with their associated square footages, and unit counts, was not provided.

PARKING SPACES

As regards parking, the following is noted:

1. The 1985 Resolution indicates the required parking for the building, at that time, was 65 spaces. Without information as to the required parking ratio in 1985, the current Borough Code §18.73.10 requires 1 space for every 400 square feet of gross floor area, for business offices and professional offices. Utilizing this ratio, at 65 spaces, the gross floor area would equate to 26,000 square feet. The overall gross square footage of the building should be confirmed by the applicant.
2. The applicant should also confirm if any use, other than office use, has utilized the building.
3. As noted above, the prior approval addressed the building with only office use. If any other uses have been within the building, the required parking for the building would have changed. This should be clarified by the applicant.
4. The submitted correspondence from the attorney indicates the "then-applicant" also purchased property at 10 Throckmorton Street, and used the property for additional 45 spaces. Further information regarding the 45 spaces was not provided, nor an indication as to whether the availability of 45 spaces are exclusive to their use by 36 West Main Street.
5. Due to the presence of snow, our office was unable to confirm the number of parking spaces at 10 Throckmorton Street.
6. The correspondence from the attorney further indicates a request to seek a credit for parking spaces at 10 Throckmorton Street. The applicant will need to clarify with the Board the background on this property, and how it ties in with the parking waiver associated with the building of this application.
7. Reference to a total parking space credit of 112 spaces is noted. The applicant will need to provide clarification on the number of spaces involved.
8. In the past, parking shortage was considered a waiver. Under the current 2019CCRP, if at least 75% of the required parking can be provided, it would be considered a waiver. If not, it would be considered a variance.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
ABBINGTON ENGINEERING, LLC



William T. Wentzien, P.E., P.P., C.M.E.
Freehold Borough Planning Board Engineer

cc: Ronald Cucchiaro, Esq., Planning Board Attorney
Matthew Young, Borough Zoning Officer
Steve Gallo, Borough Administrator
Kerry Higgins, Esq., Borough Attorney
Salvatore Alfieri, Esq., Applicant's Attorney

BOROUGH OF FREEHOLD
51 WEST MAIN STREET
FREEHOLD, N.J. 07728

LAND USE DEPARTMENT TAX CERTIFICATION

Applicant's Name: 36 West Main Street Freehold, LLC

Trade Name: _____

Applicant's Address: 107 Monmouth Road; suite 102, West Long Branch, NJ 07764

Owner's Name: Same as Applicant

Address: Same as Applicant

Block: 71 Lot(s): 3.03

Physical Address: 36 West Main Street

The taxes & assessments due **including interest** for the above block and lot are - **TO BE COMPLETED BY TAX COLLECTOR:**

<u>QUARTER</u>	FOR YEAR <u>2021</u>	FOR YEAR _____
1.	<u>0</u>	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Other Municipal charges as follows: \$ _____

The Water & Sewer charges **including interest** for the above block and lot are - **TO BE COMPLETED BY TAX COLLECTOR:**

<u>QUARTER</u>	FOR YEAR <u>2021</u>	FOR YEAR _____
1.	<u>176.75</u>	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

The total amounts due as of this date for the above referenced property are as follows - **TO BE COMPLETED BY TAX COLLECTOR:**

TAXES:	\$ <u>0</u>
OTHER ASSESSMENTS:	\$ <u>0</u>
WATER & SEWER:	\$ <u>176.75</u>
TOTAL:	\$ <u>176.75</u>

Date: 2/9/21

Tax Collector: Patricia Bue

ATTACHMENT III



BOROUGH OF FREEHOLD

MEMORANDUM

TO: Planning Board Members

FROM: Dominica R. Napolitano, Planning Board Secretary D.R.N.

DATE: January 19, 2021

RE: Stormwater Best Management Practices


Enclosed please find for your review a memo from the Clerk and proposed Ordinance #2021/2 of the Borough of Freehold, County of Monmouth Stat of New Jersey Amending and Supplementing Chapter 8 (Health and Safety) by Amending Chapter 8.57 Stormwater Best Management Practices wherein changes were made throughout the ordinance. The First Reading and Introduction of the Ordinance by Mayor and Council was on their agenda Monday, February 1, 2021. The Second Reading and Public Hearing is scheduled to be on the Council agenda for on Monday, March 1, 2021. Also enclosed is the current Ordinance Chapter 8.57 Stormwater Best Management Practices for the Borough of Freehold.

William T. Wentzien, Borough Engineering will provide an overview and answer any questions you may have at our meeting, Wednesday, February 24, 2021. If you have any questions, please feel free to contact me at your conveniences.

Thank you for your attention to this matter.

cc: Stephen J. Gallo, Business Administrator
Ronald D. Cucchiaro, Esq. Planning Board Attorney
William T. Wentzien, P.E, P.P., C.M.E., Planning Board Engineer

MEMORANDUM
FREEHOLD BOROUGH CLERK'S OFFICE
51 WEST MAIN STREET FREEHOLD, NJ 07728
PHONE: 732-462-1259 FAX: 732-409-1453
E-MAIL: tdibenedetto@freeholdboro.org

TO: Dominica Napolitano, Planning Board Secretary
FROM: Traci L. DiBenedetto, Borough Clerk 
SUBJECT: Ordinance #2021/2 of the Borough of Freehold, County of Monmouth State of New Jersey Amending and Supplementing Chapter 8 (Health and Safety) by Amending Chapter 8.57 Stormwater Best Management Practices
DATE: 2/17/2021
CC: Stephen J. Gallo, Business Administrator

Attached for the review of the Freehold Borough Planning Board is the above referenced ordinance, introduced at a regular meeting of the Mayor and Council on February 1, 2021. Please place this on your agenda for Wednesday, February 24, 2021.

The Ordinance will be further considered for adoption after public hearing scheduled to be heard on March 1, 2021.

If you have any questions or concerns, please give me a call. Thank you.

**BOROUGH OF FREEHOLD
COUNTY OF MONMOUTH
#2021/2**

**ORDINANCE OF THE BOROUGH OF FREEHOLD, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 8
(HEALTH AND SAFETY) BY AMENDING CHAPTER 8.57 STORMWATER BEST
MANAGEMENT PRACTICES**

WHEREAS, the New Jersey Department of Environmental Protection has required updated and amended Stormwater Ordinances previously adopted by municipalities.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Freehold as follows:

CHAPTER 8 (HEALTH AND SAFETY), SECTION 57 (STORMWATER BEST MANAGEMENT PRACTICES)

Section 1: Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Freehold Borough.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 2: Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland

forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Empowerment Neighborhoods" means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;

3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since or the effective date of this ordinance.
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal

rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater

management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"Tidal Flood Hazard Area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section 3: . Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.

Section 4: Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<p align="center">Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</p>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u> <u>1^(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device^{(a) (g)}</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Infiltration Basin^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

<u>Table 2</u> <u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u> <u>(or for Groundwater Recharge and/or Stormwater Runoff Quality</u> <u>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

<u>Table 3</u> <u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</u> <u>Stormwater Runoff Quantity</u> <u>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	<u>1</u>

<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a

variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
 - 2. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 3. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and

4. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
 - K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
 - L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
 - M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Monmouth County Clerk. A form of deed notice shall be submitted to Freehold Borough for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above

required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Monmouth County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>

<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

**Table 4 - Water Quality Design Storm
Distribution**

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section 5: Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprd_b1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the

Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the *NRCS Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

4. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey

Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section 6. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Section 6: Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means

sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section 8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

- i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the

permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

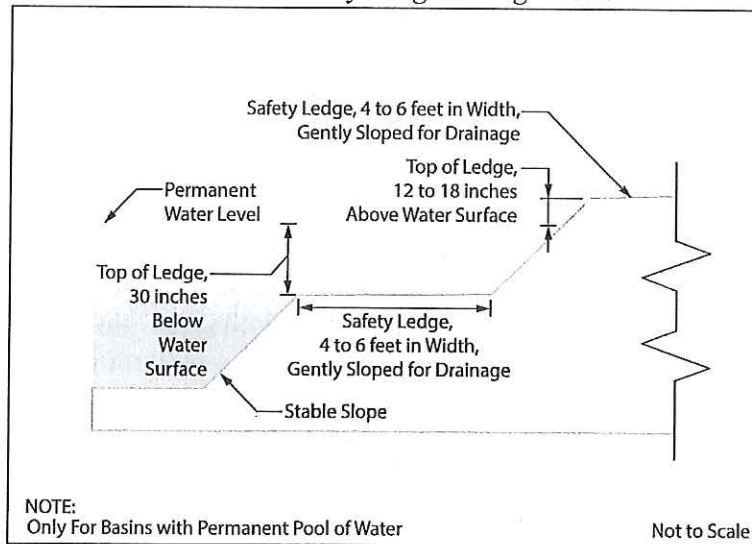
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section 9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit nine (9) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain

separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as

the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

6. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

- ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
7. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

In the event the facility is dedicated to the Borough, the developer shall post a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

8. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section 11: Penalties

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine of not less than \$500.00 and not to exceed \$2,000.00.

Section 12: Effective Date

This ordinance shall be in full force and effective from and after its adoption and any publication as required by law.

Section 13: Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 14: Consistency

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

Chapter 8.57

STORMWATER BEST MANAGEMENT PRACTICES*

Sections:

- 8.57.010** Scope and purpose.
- 8.57.020** Definitions.
- 8.57.030** General standards.
- 8.57.040** Stormwater management requirements for major development.
- 8.57.050** Calculation of stormwater runoff and groundwater recharge.
- 8.57.060** Standards for structural stormwater management measures.
- 8.57.070** Sources for technical guidance.
- 8.57.080** Safety standards for stormwater management basins.
- 8.57.090** Requirements for a site development stormwater plan.
- 8.57.100** Maintenance and repair.
- 8.57.110** Penalties.

8.57.010 Scope and purpose.

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sen-

sitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. It is the purpose of this chapter to establish minimum stormwater management requirements and controls for "major development," as defined in section 8.57.020.

C. Applicability.

1. This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Nonresidential major developments; and

b. Aspects of residential major developments that are not pre-empted by the residential site improvement standards at N.J.A.C. 5:21.

2. This chapter shall also be applicable to all major developments undertaken by the Borough of Freehold.

D. Compatibility With Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health,

*Editor's note—Ord. No. 2008/17, §§ 1—11, adopted Dec. 1, 2008, amended Ch. 8.57 in its entirety to read as herein set out. Former Ch. 8.57, §§ 8.57.010—8.57.110, pertained to stormwater best management practices, and derived from Ord. 2006/12 §§ 1—11.

safety, and general welfare. This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

(Ord. No. 2008/17, § 1, 12-1-08)

8.57.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the stormwater management rules at N.J.A.C. 7:8-1.2.

"CAFRA centers, CAFRA cores and CAFRA nodes" pursuant to N.J.A.C. 7:7E-5B.3.

"CAFRA centers, cores or nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

"CAFRA planning map" means the geographic depiction of the boundaries for coastal planning areas.

"Compaction" means the increase in soil bulk density.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the county board of chosen freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the New Jersey Department of Environmental Protection.

"Designated center" means a state development and redevelopment plan center as designated by the state planning commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a state permit; any activity reviewed by the county agricultural board (CAB) and the state agricultural development committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

"Drainage area" means a geographic area within which stormwater, sediments,

or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally critical areas" means an area or feature which is of significant environmental value, including but not limited to: Stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the department's landscape project as approved by the department's endangered and nongame species program.

"Empowerment neighborhood" means a neighborhood designated by the urban coordinating council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

"Municipality" means any city, borough, town, township, or village.

"Node" means an area designated by the state planning commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, Borough of Freehold, or political subdivision of this state subject to municipal jurisdiction pursuant to the municipal land use law, N.J.S.A. 40:55D-1 et seq.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works.

"Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State development and redevelopment plan metropolitan planning area (PA1)" means an area delineated on the state plan policy map and adopted by the state plan-

ning commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

"State plan policy map" is defined as the geographic application of the state development and redevelopment plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Tidal flood hazard area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"Urban coordinating council empowerment neighborhood" means a neighbor-

hood given priority access to state resources through the New Jersey Redevelopment Authority.

"Urban enterprise zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

"Urban redevelopment area" is defined as previously developed portions of areas:

1. Delineated on the state plan policy map (SPPM) as the metropolitan planning area (PA1), designated centers, cores or nodes;
2. Designated as CAFRA centers, cores or nodes;
3. Designated as urban enterprise zones; and
4. Designated as urban coordinating council empowerment neighborhoods.

"Waters of the state" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Ord. No. 2008/17, § 2, 12-1-08)

8.57.030 General standards.

A. Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in section 8.57.040. To the maximum extent prac-

ticable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

2. The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with department rules.

(Ord. No. 2008/17, § 3, 12-1-08)

8.57.040 Stormwater management requirements for major development.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with section 8.57.100.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the department's landscape project or natural heritage database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater

recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections 8.57.040 F. and G.

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections 8.57.040 F. and 8.57.040 G. may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of subsections 8.57.040 F. and 8.57.040 G. to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of subsections 8.57.040 F. and 8.57.040 G., existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under sub-

section D.3. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsections 8.57.040 F. and 8.57.040 G. that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies.

1. To the maximum extent practicable, the standards in subsections 8.57.040 F. and 8.57.040 G. shall be met by incorporating nonstructural stormwater management strategies set forth at subsection 8.57.040 E. into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in paragraph 2. below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

- a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- c. Maximize the protection of natural drainage features and vegetation;
- d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
- e. Minimize land disturbance including clearing and grading;
- f. Minimize soil compaction;

g. Provide low maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

(1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy subsection 8.57.040 E.3. below;

(2) Site design features that help to prevent discharge of trash and debris from drainage systems;

(3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under subsection 8.57.040 E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see subsection 8.57.040 E.3.c. below.

a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground sur-

face to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than one-half inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.

c. This standard does not apply:

(1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows from the water quality design storm as specified in subsection 8.57.040 G.1. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to

prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of one-half inch.

(3) Where flows are conveyed through a trash rack that has parallel bars with one inch spacing between the bars, to the elevation of the water quality design storm as specified in subsection 8.57.040 G.1.; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsections 8.57.040 F. and 8.57.040 G. shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate county clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in section 8.57.070, or found on the department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

1. This subsection contains minimum design and performance standards to con-

control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

b. The minimum design and performance standards for groundwater recharge are as follows:

(1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at section 8.57.050, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100) percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.

(2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to subsection (3) below.

(3) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent

with department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at section 8.57.050, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, ten (10), and one hundred (100) year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, ten (10), and one hundred (100) year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the two, ten (10) and one hundred (100) year storm events are fifty (50), seventy-five (75) and eighty (80) percent, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with subsections (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

2. Any application for a new agricultural development that meets the definition of major development at section 8.57.020 shall be submitted to the appropriate soil

conservation district for review and approval in accordance with the requirements of this section and any applicable soil conservation district guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards.

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by eighty (80) percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional one-fourth acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in section 8.57.070, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in section 8.57.070. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Water-

shed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required eighty (80) percent TSS reduction for a site the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100$$

Where:

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40—60
Infiltration Structure	80
Manufactured Treatment Device	See subsection 8.57.060 C.
Sand Filter	80
Vegetative Filter Strip	60—80
Wet Pond	50—90

4. If there is more than one onsite drainage area, the eighty (80) percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub-areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in subsections 8.57.040 F. and 8.57.040 G.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in section 8.57.070.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS quadrangle maps or in the county soil surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

(1) A three hundred (300) foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

(2) Encroachment within the designated special water resource protection area under subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the max-

imum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150) feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the department.

b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the standard for off-site stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the standard for off-site stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(1) Stabilization measures shall not be placed within one hundred fifty (150) feet of the Category One waterway;

(2) Stormwater associated with discharges allowed by this section shall achieve a ninety-five (95) percent TSS post-construction removal rate;

(3) Temperature shall be addressed to ensure no impact on the receiving waterway;

(4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(5) A conceptual project design meeting shall be held with the appropriate department staff and soil conservation district staff to identify necessary stabilization measures; and

(6) All encroachments proposed under this section shall be subject to review and approval by the department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to subsection G.8. has been approved by the department of environmental protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to subsection G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in subsection G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the special water resource protection area to less than one hundred fifty (150) feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph G.8. does not apply to the construction of one individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

(Ord. No. 2008/17, § 4, 12-1-08)

8.57.050 Calculation of stormwater runoff and groundwater recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4—Hydrology and Technical Release 55—Urban Hydrology for Small Watersheds; or

b. The rational method for peak flow and the modified rational method for hydrograph computations.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at subsection 8.57.050 A.1.a. and the rational and modified rational methods at subsection 8.57.050 A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55—Urban Hydrology for Small Watersheds and other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater Recharge May Be Calculated in Accordance With The Following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.
(Ord. No. 2008/17, § 5, 12-1-08)

8.57.060 Standards for structural stormwater management measures.

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; floodprone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of subsection 8.57.080 D.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at section 8.57.080.

B. Stormwater Management Measure Guidelines Are Available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by section 8.57.040 of this chapter.

C. Manufactured treatment devices may be used to meet the requirements of section 8.57.040 this chapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. (Ord. No. 2008/17, § 6, 12-1-08)

8.57.070 Sources for technical guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed at subsections 1. and 2. below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the state soil conservation committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the state soil conservation committee or any of the soil conservation districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each soil conservation district may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, (732) 932-9306; and

3. The soil conservation districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each soil conservation district may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

(Ord. No. 2008/17, § 7, 12-1-08)

8.57.080 Safety standards for stormwater management basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from

the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

c. The average velocity of flow through a clean trash rack is not to exceed two and one-half feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no less than two inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

3. For purposes of this paragraph 3., escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

a. If a stormwater management basin has an outlet structure, escape provisions

shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in subsection 8.57.080 C.1. freestanding outlet structure may be exempted from this requirement.

b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See subsection 8.57.080 D. for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

C. Variance or Exemption From Safety Standards.

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin: ATTACHED AS EXHIBIT A [Located at the end of this chapter.]
(Ord. No. 2008/17, § 8, 12-1-08)

8.57.090 Requirements for a site development stormwater plan.

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to

this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at subsection 8.57.090 C. below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this chapter.

3. The applicant shall submit sixteen (16) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection 8.57.090 C. of this chapter.

B. Site Development Stormwater Plan Approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the planning and/or zoning board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

C. Checklist Requirements.

The following information shall be required:

1. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200) feet beyond the limits of the proposed development, at a scale of one inch=two hundred (200) feet or greater, showing two-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate

buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing manmade structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. **Environmental Site Analysis.** A written and graphic description of the natural and manmade features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. **Project Description and Site Plan(s).** A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. **Land Use Planning and Source Control Plan.** This plan shall provide a demonstration of how the goals and standards of sections 8.57.030 through 8.57.060 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. **Stormwater Management Facilities Map.** The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. **Calculations.**

a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and postdevelopment conditions for the design storms specified in section 8.57.040 of this chapter.

b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. **Maintenance and Repair Plan.** The design and planning of the stormwater management facility shall meet the maintenance requirements of section 8.57.100.

8. **Waiver From Submission Requirements.** The municipal official or board reviewing an application under this chapter may, in consultation with the municipal engineer, waive submission of any of the requirements in subsections 8.57.090 C.1. through 8.57.090 C.6. of this chapter when

it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

(Ord. No. 2008/17, § 9, 12-1-08)

8.57.100 Maintenance and repair.

A. Applicability.

1. Projects subject to review as in subsection 8.57.010 C. of this chapter shall comply with the requirements of subsections 8.57.100 B. and C.

B. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a

residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

4. If the person responsible for maintenance identified under subsection B.2. above is not a public agency, the maintenance plan and any future revisions based on subsection B.7. below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

6. The person responsible for maintenance identified under subsection B.2. above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

7. The person responsible for maintenance identified under subsection B.2. above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under subsection B.2. above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsections B.6. and B.7. above.

9. The requirements of subsections B.3. and B.4. do not apply to stormwater man-

agement facilities that are dedicated to and accepted by the municipality or another governmental agency. Facilities not accepted by the municipality shall be required to post a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.

B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

(Ord. No. 2008/17, § 10, 12-1-08)

8.57.110 Penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be punished by a fine not less than five hundred dollars (\$500.00) and not to exceed two thousand dollars (\$2,000.00).

(Ord. No. 2008/17, § 11, 12-1-08)

EXHIBIT A

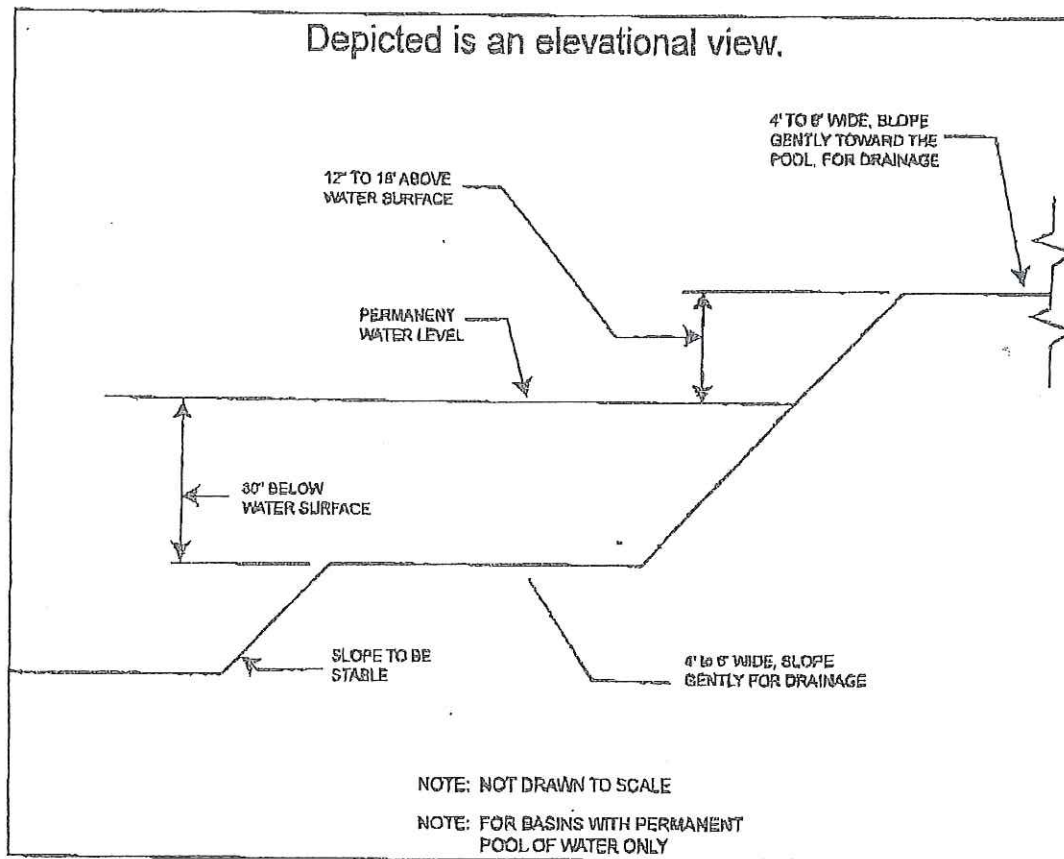


ILLUSTRATION OF SAFETY LEDGES
In a NEW STORMWATER MANAGEMENT BASIN
(Section 8:D)

Freehold Borough
Monmouth County, New Jersey

(Ord. No. 2008/17, § Exh. A, 12-1-08)